

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

<b>2.04</b>	<b>Town Meetings</b>
<b>2.08</b>	<b>Executive Secretary</b>
<b>2.12</b>	<b>Inspector of Gas Piping and Appliances</b>
<b>2.16</b>	<b>Legal Affairs</b>
<b>2.20</b>	<b>Annual Reports</b>
<b>2.24</b>	<b>Conflict of Interest</b>
<b>2.28</b>	<b>Planning Board</b>
<b>2.32</b>	<b>Capital Planning and Financial Committee</b>
<b>2.36</b>	<b>Fair Housing Committee</b>
<b>2.40</b>	<b>Finance Committee</b>
<b>2.44</b>	<b>Council on Aging</b>
<b>2.46</b>	<b>Government Study Committee</b>
<b>2.48</b>	<b>Contracts, Purchasing and Property Sales</b>
<b>2.52</b>	<b>Library</b>
<b>2.56</b>	<b>Cemetery</b>
<b>2.60</b>	<b>Town Vehicles</b>
<b>2.64</b>	<b>Department of Public Works</b>



**Chapter 2.04**  
**TOWN MEETINGS**

**Sections:**

- 2.04.010 Annual meeting date.**
- 2.04.020 Poll hours.**
- 2.04.030 All business to be considered when.**
- 2.04.040 Notice of annual town meeting.**
- 2.04.050 Notice of special town meeting.**
- 2.04.060 Closing of warrant.**
- 2.04.070 Notice of adjourned meeting.**
- 2.04.080 Special elections.**
- 2.04.090 Copies of bylaws delivered to town meeting members.**
- 2.04.100 Rules of procedure.**
- 2.04.110 Entertainment of motions.**
- 2.04.120 Order of business.**
- 2.04.130 Reducing motions to writing.**
- 2.04.140 Debating of questions.**
- 2.04.150 Amendments involving sums of money.**
- 2.04.160 Reconsideration of final vote.**
- 2.04.170 Voting.**
- 2.04.180 Committee reports.**
- 2.04.190 Appropriations.**
- 2.04.200 Filling of vacancies on committees.**
- 2.04.210 Appropriations from conservation fund for land acquisition.**

**2.04.010 Annual meeting date.**

The annual meeting shall be held on the first Tuesday in April, which day shall be held the annual election of town officers and the determination of such matters as by law are required to be determined by ballot. (STM 5-11-1987 Art. 2; prior code § 41-1)

**2.04.020 Poll hours.**

The polls shall be opened not later than eight a.m. and shall close not earlier than eight p.m. This provision shall also apply to all elections and primaries, unless otherwise provided by law. (Prior code § 41-2)

**2.04.030 All business to be considered when.**

All business, except the election of officers and the determination of such matters as by law are required to be determined by ballot, shall be considered the first Monday in May at seven forty-five p.m. (Prior code § 41-3)

**2.04.040 Notice of annual town meeting.**

Notice of every annual town meeting shall be given by a constable of the town by posting attested copies of the warrant in one or more public places in each voting precinct twenty (20) days at least before the date fixed for the meeting. Notice shall also be given by publications of a summary of the warrant articles in a newspaper published in the town, if there are any, such publication to be at least sixty (60) days before the date set for the meeting. The complete text of every warrant article to be available on request at the office of the town clerk. (Prior code § 41-4(A))

**2.04.050 Notice of special town meeting.**

Notice of every special town meeting shall be given by a constable of the town by posting attested copies of the warrant in one or more public places in each voting precinct, fourteen (14) days at least before the date fixed for such special town meeting. Notice shall also be given by publication of a summary of the warrant articles in a newspaper published in the town, if there are any, such publication to be at least eight days before the date set for the meeting. The complete text of every warrant article to be available on request at the office of the town clerk. (Prior code § 41-4(B))

**2.04.060 Closing of warrant.**

The warrant for any special town meeting shall be closed, and remain closed, no less than thirty (30) days before the date fixed for such meeting. The warrant for the annual town meeting shall be closed and remain closed, no less than ninety (90) days before the date fixed for such meeting. (STM 10-5-2004 Art. 19; prior code § 41-4(C))

**2.04.070 Notice of adjourned meeting.**

Notice of every adjourned meeting shall be posted by the town clerk at the Town Hall, and if the period of adjournment will permit, shall be advertised in one or more newspapers published in the

town, if there are any. In each case, the notice shall refer to the articles in the warrant on which final action has not been taken. (Prior code § 41-5)

**2.04.080 Special elections.**

Special elections for town officers shall be by precinct voting at the polling places in the several precincts of the town, polls to be opened and closed as prescribed in Section 2.04.020 of this chapter. (Prior code § 41-6)

**2.04.090 Copies of bylaws delivered to town meeting members.**

The town clerk shall deliver, by mail or otherwise, a copy of these bylaws to each town meeting member within seven days after his or her election. He shall also deliver at the same time a copy of the Legislative Act (Chapter 17) establishing the limited form of town government. (Prior code § 41-7)

**2.04.100 Rules of procedure.**

The procedure at town meetings shall be governed by the rules of practice contained in Robert's Rules of Order, except as modified by law or by these by-laws. (ATM 5-4-94 Art. 21: prior code § 41-8)

**2.04.110 Entertainment of motions.**

A. Until a question under debate is disposed of, no motion shall be received except a motion to adjourn at a time certain, to adjourn the meeting, for the previous question, to lay on the table, to commit, to recommit, to amend, to refer or to postpone indefinitely, which several motions shall have precedence in the order in which they are herein arranged, but a motion for extension of time under Section 2.04.140 may be presented at any time.

B. On any motion to adjourn, to lay on the table, for the previous question or for an extension of time:

1. No person shall speak more than once and then for not more than two minutes.

2. Not more than ten (10) minutes in all shall be allowed for debate except with the consent of the meeting voted at the time.

3. No other motion shall be entertained until the pertinent motion is finally disposed of. (Prior code § 41-9)

**2.04.120 Order of business.**

All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise voted by the meeting. (Prior code § 41-10)

**2.04.130 Reducing motions to writing.**

A motion, if required by the moderator, shall be reduced to writing before being submitted to the meeting. (Prior code § 41-11)

**2.04.140 Debating of questions.**

Except as provided in Section 2.04.110 of this chapter, all questions may be debated, but without consent of the meetings, no person except the chairman of the finance committee shall speak more than twice on any one question, not to exceed ten (10) minutes the first time and five minutes the second, and no person shall speak more than once until all who desire to speak for the first time have been heard. (Prior code § 41-12)

**2.04.150 Amendments involving sums of money.**

On proposed amendments involving sums of money, the largest amount shall be put to the question first, and on declaring an affirmative vote on such amendment, the moderator shall, if the motion calls for an appropriation, take a vote on the appropriation of such larger amount, the action on which shall be final action on the article in question. (Prior code § 41-13)

**2.04.160 Reconsideration of final vote.**

No final vote shall be reconsidered, unless notice of the intention to move a reconsideration has been given to the clerk within one hour after the vote has been declared, or in the event that the meeting adjourns to a day certain, within such hour, the notice in writing may be given within twenty-four (24) hours after such adjournment. Such motion to reconsider shall be in order only at such meeting or the next adjournment thereof, and only one such motion shall be received and acted upon. No reconsideration of any final vote shall be had unless ordered by a two-thirds vote of the voters present and voting thereon. (Prior code § 41-14)

**2.04.170 Voting.**

All voting in a town meeting shall be in the form required by the moderator, unless otherwise required by law or by vote of the meeting, except that if the result is questioned immediately by seven voters, the moderator shall appoint tellers to verify the vote, provided further that if the result is questioned immediately by thirty (30) voters, verification of a vote shall be by roll call. In accordance with the provisions of Massachusetts General Laws Chapter 39, Section 15, if a two-thirds vote of a Town Meeting is required by statute, the Moderator shall not be required to

take a hand count of the vote, unless the Moderator determines that a hand count is necessary to determine the result of the vote. (ATM 5-9-2001 Art. 19; prior code § 41-15)

**2.04.180 Committee reports.**

When a report of a committee is placed in the hands of the moderator, it shall be deemed to be properly before the meeting for its action thereon, and a vote to accept shall discharge the committee, but shall not be equivalent to a vote to carry out its recommendations without a special vote to adopt it. (Prior code § 41-16)

**2.04.190 Appropriations.**

No appropriation shall be made under the report of any committee of the town, except under an article in the warrant provided for such appropriation. (Prior code § 41-17)

**2.04.200 Filling of vacancies on committees.**

Vacancies on any committee, except the finance committee, shall be filled by the original appointing authority, except that the moderator shall fill any vacancies on committees where the membership was originally designated by a town meeting. (Prior code § 41-18)

**2.04.210 Appropriations from conservation fund for land acquisition.**

Appropriations from the conservation fund for land acquisition shall require at least two-thirds affirmative vote of town meeting members present and voting. (Prior code § 41-19)





## **Chapter 2.08**

### **EXECUTIVE SECRETARY**

#### **Sections:**

- 2.08.010 Appointment.**
- 2.08.020 Compensation.**
- 2.08.030 Term of office.**
- 2.08.040 Removal from office.**
- 2.08.050 Powers and duties.**
- 2.08.055 Hiring procedure.**
- 2.08.060 Holding of other offices restricted.**

#### **2.08.010 Appointment.**

The board of selectmen is authorized and empowered to appoint an executive secretary in accordance with the provisions of Section 23A of Chapter 41 of the General Laws, who shall be sworn to the faithful performance of his duties. (Prior code § 32-4)

#### **2.08.020 Compensation.**

The executive secretary shall receive such aggregate compensation as the board of selectmen may determine, but not to exceed the amount appropriated therefor. The salary of the executive secretary, whether appointed pursuant to MGL Chapter 41, Section 23A or MGL Chapter 41, Section 108N, shall be subject to annual appropriation by town meeting. (ATM 5-10-99 Art. 12: prior code § 32-5)

#### **2.08.030 Term of office.**

The executive secretary shall be appointed for a term of one or three years. (Prior code § 32-6)

#### **2.08.040 Removal from office.**

The executive secretary may be removed by the board of selectmen at its discretion, but only after written notice of its intent to so remove, stating the reasons for such removal, has been given to the executive secretary, and, if requested by him, a public hearing has been held. (Prior code § 32-7)

**2.08.050 Powers and duties.**

The official job description of the executive secretary will be on file in the personnel office and, in addition to job duties, will contain necessary qualifications for appointment. The executive secretary shall act by and for the board of selectmen in any manner which it may assign to him relating to the administration of the affairs of the town or of any town office or department under its supervision and control, or, with the approval of the selectmen, may perform such other duties as may be requested of him by any other town officer, board, committee or commission. His duties, as they may be assigned to him by the selectmen, shall include, but shall not be limited to the following:

A. Attend all regular and special meetings of the board of selectmen and shall have a voice but not a vote in all of its discussions;

B. Carry out the votes and policies of the selectmen as directed by them;

C. Act as liaison officer between the board of selectmen and all other boards and committees of the town;

D. Keep the selectmen fully informed on matters of financial and administrative concern, including state and federal assistance as they relate to the continuing needs of the town;

E. Represent the selectmen at local, state and county hearings of interest to the town;

F. Study and recommend long-range planning programs;

G. Work with the heads of departments under the control of the selectmen in the preparation of annual budgets and reports;

H. Prepare weekly agenda and gather all information pertinent to matters coming before the board for discussion and action;

I. Serve as public relations officer, processing inquiries and complaints from the public and effecting solutions wherever possible;

J. Serve as an ex officio member of committees appointed by the board;

K. Prepare the town report and such other reports as the board may require from time to time;

L. Exercise general supervision over the organization, systems, practices and routines of the selectmen's office;

M. Direct and coordinate town services under the jurisdiction of the selectmen;

N. Submit to the board by the first of January each year a copy of the annual budgets for the coming fiscal year containing detailed estimates of expenditures for each department, together with the funding necessary to provide for each department and activity under the supervision of the selectmen;

O. Perform any other duties required by a vote of the board of selectmen. (ATM 5-17-1999 Art. 23 (part); prior code § 32-8)

**2.08.055 Hiring procedure.**

Whenever a vacancy exists in the position of executive secretary, such position will be advertised under the direction of the personnel department. Before appointment by the board of selectmen, a search committee of five people will be formed. The search committee shall consist of the director of personnel, a member of the personnel board, two town meeting members to be appointed by the town moderator and one member of the board of selectmen to be appointed by the board of selectmen. The search committee will review and screen all applications, interview candidates, and verify credentials and references. The Search Committee shall submit a recommendation to consist of a minimum of three (3) candidates to the Board of Selectmen, who shall conduct final interviews and appoint the Executive Secretary. The Executive Secretary Search Committee is hereby authorized to hire consultants to assist in the hiring process and to conduct professional background checks of the candidates. (ATM 5-22-2001 Art. 27; ATM 5-17-1999 Art. 23 (part))

**2.08.060 Holding of other offices restricted.**

During the time the executive secretary holds office, he shall hold no elective town office, but he may be appointed by the selectmen or, with their approval, by any other town officer, board, committee or commission, to any other town office or position consistent with his office. (Prior code § 32-9)



## **Chapter 2.12**

### **INSPECTOR OF GAS PIPING AND APPLIANCES**

#### **Sections:**

#### **2.12.010 Appointment and duties.**

#### **2.12.010 Appointment and duties.**

A. The inspector of buildings shall annually appoint an inspector of gas piping and gas appliances whose duties shall be the enforcement of the rules and regulations under the provisions of 248 CMR.

B. Whenever practicable when the incumbent plumbing inspector is qualified he shall be appointed under subsection A of this section. (ATM 5-15-90 Art. 37; prior code §§ 32-2, 32-3)



**Chapter 2.16**  
**LEGAL AFFAIRS**

**Sections:**

- 2.16.010 Board of selectmen—Authority to litigate and to employ special counsel.**
- 2.16.020 Town counsel—Powers and duties.**
- 2.16.030 Appointment and salary of town counsel.**
- 2.16.040 Litigation authority—Limitations.**

**2.16.010 Board of selectmen—Authority to litigate and to employ special counsel.**

The board of selectmen shall have authority to prosecute, defend and compromise all litigation to which the town is a party and to employ special counsel to assist the town counsel whenever in their judgment necessity therefor arises. (Prior code § 26-1(A))

**2.16.020 Town counsel—Powers and duties.**

A. Every Board, Commission, Committee or Official, however appointed, elected or constituted, shall submit to Town Counsel for drafting or approval as to form, all bonds, deeds, leases, obligations, conveyances, contracts and contract change orders amounting in the aggregate to \$10,000 or more and other legal instruments to be made on behalf of the Town, and the Town Counsel shall do every professional act necessary for the protection of the Town's interest.

B. Also when required by any of such boards or officers, town counsel shall furnish a written opinion on any question that may be submitted to him in writing relative to the rights or duties of such board or officers, and he shall at all times furnish legal advice to any officer of the town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office.

C. The town counsel shall prosecute all suits ordered to be brought by the town or board of selectmen and shall appear in any court in the commonwealth in defense of all actions or suits brought against the town or its officers in their official capacity, and shall try and argue any and all causes in which the town shall be a party, before any tribunal, whether in law or in equity, in the commonwealth, or before any board or referees or commission, and shall appear at any and all hearings on behalf of the town whenever his services may be required. (ATM 5-14-2002 Art. 26; prior code § 26-1(B), (C), (D))

**2.16.030 Appointment and salary of town counsel.**

The board of selectmen shall annually appoint an attorney at law to act as town counsel, who shall be paid such salary as the town votes. (Prior code § 26-2)

**2.16.040 Litigation authority-Limitations.**

A. The selectmen, when in their judgment it is for the interests of the town so to do, may bring on behalf of the town any proceedings before any court, legislative committee, administrative board or other public official and may answer and defend any such proceedings brought against the town and may appear on behalf of the town in any such proceedings instituted by others in which the town has an interest. They may prosecute such suits to final judgment or may compromise any claims by and against the town on such terms as shall seem to them for the best interests of the town, whether or not such claims are in litigation, provided that they shall not, without the approval of the finance committee, compromise any tort claim against the town for a greater sum than three hundred dollars (\$300.00).

B. Any other town board having authority to take property by eminent domain may in like manner, on recommendation of the town counsel, compromise any claim for property so taken by them. (Prior code § 26-5)



## **Chapter 2.20**

### **ANNUAL REPORTS**

#### **Sections:**

**2.20.010 Department head and committee reports.**

**2.20.020 Publication of reports.**

#### **2.20.010 Department head and committee reports.**

All reports required by General Laws Chapter 40, Section 49 to be included in the Annual Town Report shall be submitted to the Board of Selectmen on or before the 15th of January. These reports shall be in such form as the Selectmen shall prescribe. (ATM 5-5-2003 Art. 15; prior code § 43-1)

#### **2.20.020 Publication of reports.**

The selectmen shall cause to be printed and distributed before the annual town meeting the reports of the various town officers, boards and committees and shall cause copies of such report to be distributed to each registered voter of the town who shall apply therefor at the office of the selectmen. (Prior code § 43-2)



## **Chapter 2.24**

### **CONFLICT OF INTEREST**

#### **Sections:**

- 2.24.010 Appointment of salaried office restricted.**
- 2.24.020 Appointment of commission or board members—Eligibility.**
- 2.24.030 Actions of former commission or board members.**

#### **2.24.010 Appointment of salaried office restricted.**

No town officer or board of town officers having the power or authority to appoint any town officer or agent shall appoint himself or any member of such board to any salaried office or position, but this shall not prohibit any town officer from being chairman or clerk of the board of which he may be a member. (Prior code § 17-2)

#### **2.24.020 Appointment of commission or board members—Eligibility.**

Except as hereinafter provided, no member of a municipal commission or board shall be eligible for appointment or election by the members of such commission or board to any office or position under the supervision of such commission or board. No former member of such commission or board shall be so eligible until the expiration of one year from the termination of his service as a member of such commission or board. The provisions of this section shall not apply to a member of a town commission or board, if such appointment or election has first been approved at an annual town meeting of the town. (STM 5-3-93 Art. 15: prior code § 33-1)

#### **2.24.030 Actions of former commission or board members.**

No former member of a commission or board of the town of Braintree, within one year after his last service as a member of such commission or board, shall knowingly act as agent or attorney for or receive compensation, directly or indirectly, from anyone other than the town in connection with any particular matter in which the town is a party or has a direct and substantial interest and in which he participated as a member of such commission or board. In addition to other remedies provided by law, any violation of this section which has substantially influenced the action taken by the town in any particular matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interests of the town requires. (STM 5-3-93 Art. 16: prior code § 33-2)



**Chapter 2.28**  
**PLANNING BOARD**

**Sections:**

- 2.28.010 Establishment—Powers and duties.**
- 2.28.020 Membership—Officers.**
- 2.28.030 Ex officio member.**
- 2.28.040 Deposit and release of bonds and securities.**

**2.28.010 Establishment—Powers and duties.**

There shall be a planning board of the town which shall exercise the powers and perform the duties provided by Chapter 41 of the General Laws. (Prior code § 36-1)

**2.28.020 Membership—Officers.**

The town planning board shall consist of five elected members, who shall serve without pay. The board shall choose one of its members as chairman and shall appoint a secretary. (Prior code § 36-2)

**2.28.030 Ex officio member.**

The town engineer shall be a member ex officio of the planning board. (Prior code § 36-3)

**2.28.040 Deposit and release of bonds and securities.**

All performance bonds, deposits of money or security required to be filed with the town to insure compliance with the Subdivision Control Law, and/or any requirement made by a town department relating to same, shall be deposited with the town treasurer. No such security, moneys or bond shall be released or returned, in whole or in part, to the depositor until such time as the planning board files, in writing, with the town treasurer a statement that all work within the purview of the planning board has been completed in a manner satisfactory to the planning board and that the subdivision conforms with the bylaws of the town and the General Laws of the Commonwealth as they pertain to subdivisions. (Prior code § 36-4)



## **Chapter 2.32**

### **CAPITAL PLANNING AND FINANCIAL COMMITTEE**

#### **Sections:**

- 2.32.010 Definitions.**
- 2.32.020 Composition—Qualifications of members.**
- 2.32.030 Finance committee chairman.**
- 2.32.040 Appointment of members.**
- 2.32.050 Compensation—Clerical assistance.**
- 2.32.060 Advisory capacity—Preparation of reports.**
- 2.32.070 Submission of capital improvement estimates.**
- 2.32.080 Powers and duties—Annual report.**
- 2.32.090 Capital improvement proposal submission deadline.**
- 2.32.100 Voting.**
- 2.32.110 Conflicts of interest.**
- 2.32.120 Conflict with General Laws.**

#### **2.32.010 Definitions.**

As used in this bylaw, the following terms shall have the meanings indicated:

“Capital improvement” means a physical betterment or item of equipment, as agreed upon by the finance committee and the capital planning and financial committee, or the purchase of land. The terms of the agreement and any revisions shall be filed with the town clerk and shall be provided to town meeting prior to any discussion of capital planning items.

“Financial planning” means consideration of any appropriation or expenditure of money or disposal of any property of the town which may be made and any action which will have a significant effect upon the financial structure of the town. (STM 5-22-00 Art. 31; prior code § 12-6)

#### **2.32.020 Composition-Qualifications of members.**

The capital planning and financial committee shall consist of five voters as provided in the following sections. No person who is an elected officer of the town (except town meeting members, a member of the board of selectmen and a member of the planning board) or an appointive employee of the town receiving pay therefrom shall be qualified to serve as a member of such committee. (Prior code § 12-1)

**2.32.030 Finance committee chairman.**

The most recent ex-chairman of the finance committee shall be a member of the capital planning and financial committee during the term of office of his immediate successor on the finance committee. (Prior code § 12-2)

**2.32.040 Appointment of members.**

Of the remaining four members, the moderator, immediately following the final adjournment of the 1976 Annual Town Meeting, shall appoint two members at large for terms of three years. All subsequent appointments of such at-large members shall be made for terms of three years, except when filling vacancies. Immediately following the final adjournment of each annual town meeting, beginning with final adjournment of the 1976 Annual Town Meeting, the moderator shall designate and appoint one member of the board of selectmen and one member of the planning board for terms of one year each. All vacancies, including that of chairman, shall be filled for the remainder of the term by the moderator. (Prior code § 12-3)

**2.32.050 Compensation-Clerical assistance.**

The members shall serve without pay and may employ clerical or other assistance, subject to a vote of town meeting and the appropriation of funds. (Prior code § 12-4)

**2.32.060 Advisory capacity—Preparation of reports.**

The committee shall be considered an associate committee of the finance committee and shall serve in an advisory capacity. The committee shall, in advance of each annual town meeting and in advance of any special town meeting at which recommendations of the capital planning and financial committee will be considered, prepare a report for the information of the finance committee and the town meeting members. (Prior code § 12-5)

**2.32.070 Submission of capital improvement estimates.**

All town agencies authorized by law to expend money shall furnish to the committee before November 1st each year justification of the needs and estimates of the amounts necessary for capital improvements for the six years following the next annual town meeting. (Prior code § 12-7)

**2.32.080 Powers and duties-Annual report.**

The committee shall recommend and schedule capital improvements, shall make recommendations concerning the future financial position of the town, shall estimate the probable



impact on the tax rate and shall publish their recommendations by December 1st, each year, and deposit the original with the town clerk. Copies shall be available on request. The committee shall report to each annual town meeting. (Prior code § 12-8)

**2.32.090 Capital improvement proposal submission deadline.**

Any proposal for a capital improvement to be considered by any special or annual town meeting shall be submitted in writing to the capital planning and financial committee no later than sixty (60) days before such meeting is convened. (Prior code § 12-9)

**2.32.100 Voting.**

Members of the capital planning and financial committee shall not be entitled to vote as members of the finance committee except the members from the finance committee. (Prior code § 12-10)

**2.32.110 Conflicts of interest.**

No member of the capital planning and financial committee shall participate in any matter in which he is directly or indirectly financially interested. This shall not prohibit a member of the board of selectmen or a member of the planning board from acting in behalf of his board or committee. (Prior code § 12-11)

**2.32.120 Conflict with General Laws.**

Nothing in this bylaw contained shall conflict with the General Laws of the Commonwealth. (Prior code § 12-12)



## **Chapter 2.36**

### **FAIR HOUSING COMMITTEE**

#### **Sections:**

- 2.36.010 Established—Purpose.**
- 2.36.020 Objectives.**
- 2.36.030 Duties and responsibilities.**
- 2.36.040 Membership—Terms—Quorum.**
- 2.36.050 Rules and regulations**

#### **2.36.010 Established—Purpose.**

A. The board of selectmen shall appoint a fair housing committee to assist it on all matters relating to fair housing.

B. The purpose of the fair housing committee is to identify and mobilize all community resources to provide persons now residing in the town, or who wish to reside in the town, equal access to housing regardless of race, color, age, sex, religion, economic status, marital status, national origin, ancestry, or physical or mental disability. (ATM 5-11-92 Art. 27 (part): prior code § 4-1)

#### **2.36.020 Objectives.**

The fair housing committee shall have the following objectives:

A. Encourage an open housing market where every home seeker has access to a full range of choices;

B. Foster the multicultural aspects of the town;

C. Promote safe, decent and affordable housing as a right of all people;

D. Advocate for the civil rights of all people;

E. Promote education on civil rights issues in schools, workplaces (town government) and in the community at large. (ATM 5-11-92 Art. 27 (part): prior code § 4-2)

#### **2.36.030 Duties and responsibilities.**

The fair housing committee shall have the following duties and responsibilities:

A. Review, analyze and comment on any housing proposal that may affect equal housing opportunity in the town;

B. Monitor the town's fair housing program and advise the board of selectmen on its implementation;

C. Serve as liaison between the board of selectmen and federal, state or local housing agencies, and any regional housing agency or community development corporation providing housing service in the town;

D. Identify specific problem areas in housing practices in the town, and formulating recommendations to resolve such problems. (ATM 5-11-92 Art. 27 (part): prior code § 4-3)

**2.36.040 Membership—Terms—Quorum.**

A. The fair housing committee shall consist of the following:

1. Fair housing director;
2. Housing authority director (or designee);
3. Planning director (or designee);
4. Public library director (or designee);
5. Superintendent of public schools (or designee);
6. One member from each of the following boards, committees or departments:
  - a. Board of selectmen,
  - b. Planning board,
  - c. Zoning board of appeals,
  - d. Handicapped commission,
  - e. Housing authority,
  - f. Police department,
  - g. Council on aging,
  - h. Industrial development commission.

B. The fair housing committee shall also consist of representatives from a broad spectrum of public and private groups, including persons committed to promulgating fair housing policy. The term of membership shall be for three years. For purposes of conducting business a quorum shall consist of seven members. (ATM 5-11-92 Art. 27 (part); prior code § 4-4)

**2.36.050 Rules and regulations.**

The fair housing committee may adopt rules and regulations, subject to the approval of the board of selectmen, consistent with this bylaw and the laws of the commonwealth for the conduct of its business and to carry out the policy and provisions of this bylaw and the duties and responsibilities of the committee specified herein. (ATM 5-11-92 Art. 27 (part); prior code § 4-5)



## **Chapter 2.40**

### **FINANCE COMMITTEE**

#### **Sections:**

- 2.40.010 Membership and qualifications.**
- 2.40.020 Ex officio member.**
- 2.40.030 Appointment of members.**
- 2.40.040 Filling of vacancies.**
- 2.40.050 Absences—Declaration of vacancy.**
- 2.40.060 Consideration of questions.**
- 2.40.070 Consideration of expenditures—Hearings—Reports.**
- 2.40.080 Officers.**
- 2.40.090 Other assistance.**
- 2.40.100 Restrictions on membership on other committees.**
- 2.40.110 Submission of estimates to committee.**
- 2.40.120 Forwarding copies of accepted articles to committee.**
- 2.40.130 Submission of collective bargaining agreements.**

#### **2.40.010 Membership and qualifications.**

The finance committee shall consist of fifteen (15) voters appointed as provided in the following sections. No person who is an elected officer of the town, except town meeting members, or a member of any board of the town receiving pay therefrom or an appointive employee of the town, shall be qualified to serve as a member of the finance committee. (Prior code § 21-1)

#### **2.40.020 Ex officio member.**

The most recent ex-chairman of the finance committee shall be a member ex officio of the finance committee during the term of office of his immediate successor as such chairman. (Prior code § 21-2)

#### **2.40.030 Appointment of members.**

The moderator immediately following the final adjournment of each annual town meeting shall appoint five members for terms of three years to fill the vacancies which will be occasioned by the expiration of the terms of the members whose terms expire by limitation in that particular year. Such appointees shall be voters of the town and appointed from such precincts as will make

the precinct representation of the total membership of such committee as nearly proportionate to the number of registered voters in each precinct as may be. (Prior code § 21-3)

#### **2.40.040 Filling of vacancies.**

Interim vacancies in the committee shall be filled by the remaining members of the committee, in each case by the election of voters from the precinct in which such vacancies occur. The terms of office of all persons chosen to fill such interim vacancies shall expire at the final adjournment of the annual town meeting next succeeding, and thereafter the moderator, in addition to appointments under Section 2.40.030 hereof, shall appoint a successor or successors from the same precinct or precincts as the original appointees to fill out the unexpired term of each member whose office has been vacated. (Prior code § 21-4)

#### **2.40.050 Absences-Declaration of vacancy.**

If any member is absent from five consecutive meetings of the finance committee, except in case of illness, the committee shall declare his position vacated and proceed to fill the vacancy under the provisions of Section 2.40.040. (Prior code § 21-5)

#### **2.40.060 Consideration of questions.**

The finance committee may consider any or all municipal questions for the purpose of making recommendations to the town, to any town board, officer or committee relative to such matters. (Prior code § 21-6)

#### **2.40.070 Consideration of expenditures—Hearings—Reports.**

Whenever the warrant for any town meeting contains an article or articles under which an appropriation or expenditure of money or disposal of any of the property of the town may be made, the finance committee shall consider such articles after giving one or more public hearings thereon and shall report in print its recommendations to the town meeting by mailing the same to each town meeting member at least fourteen (14) days before such meeting, but its failure to so report shall not affect the validity of any action taken by any meeting held in absence of such report. (Prior code § 21-7)

#### **2.40.080 Officers.**

The finance committee shall choose from its members a chairman and secretary, shall regulate its proceedings and shall serve without pay, except the secretary thereof who may receive such compensation as the committee may vote from any appropriation for the use or expenses of such committee. (Prior code § 21-8)



**2.40.090 Other assistance.**

The committee may employ stenographic, clerical or other assistance, to be paid from such funds as the town may appropriate for the use of such committee. (Prior code § 21-9)

**2.40.100 Restrictions on membership on other committees.**

No member of the finance committee, while serving as a member thereof, shall serve on any other committee of the town, except membership on the capital planning committee, however appointed or constituted. (Prior code § 21-10)

**2.40.110 Submission of estimates to committee.**

All boards, committees, heads of departments or other officers of the town authorized by law to expend money shall furnish to the finance committee, not less than ten (10) days before the end of the calendar year, detailed estimates of the amounts necessary for the proper maintenance and operation of the departments under their jurisdiction for the ensuing fiscal year. Any appointed committee shall submit to the finance committee a copy of any report to come before the town meeting at least sixty (60) days before such meeting. (Prior code § 21-11)

**2.40.120 Forwarding copies of accepted articles to committee.**

The selectmen shall forward to the secretary of the finance committee copies of all articles accepted by the selectmen, for inclusion in the warrant for any annual or special town meeting within fifteen (15) days of the date of such acceptance. (Prior code § 21-12)

**2.40.130 Submission of collective bargaining agreements.**

All collective bargaining agreements shall be presented to the finance committee at least thirty (30) days prior to the start of a town meeting that will consider appropriating the necessary monies to fund the cost items contained in such agreements. (ATM 5-3-95 Art. 15: prior code § 21-13)



**Chapter 2.44**  
**COUNCIL ON AGING**

**Sections:**

- 2.44.010     Established—Purpose.**
- 2.44.020     Appointment of additional members.**
- 2.44.030     Election of officers.**
- 2.44.040     Appointing authority—Filling of vacancies.**
- 2.44.050     Annual report.**
- 2.44.060     Additional employees.**

**2.44.010 Established—Purpose.**

The board of selectmen shall appoint a council on aging consisting of eleven (11) members for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the Department of Elder Affairs established under the provision of Chapter 6, Section 73, of the General Laws. (Prior code § 5-1)

**2.44.020 Appointment of additional members.**

Upon acceptance of this bylaw, the board of selectmen shall appoint forthwith four additional members to the present seven-member board: one member for three years, two members for two years and one member for one year. Thereafter, each member of the council shall be appointed for a term of three years. (Prior code § 5-2)

**2.44.030 Election of officers.**

The council at its first meeting in May of each year shall elect from its membership a chairman, treasurer and secretary who shall serve without pay. (Prior code § 5-3)

**2.44.040 Appointing authority—Filling of vacancies.**

Annual appointments to the council shall be made by the board of selectmen at its first meeting in April of each year. Whenever a vacancy exists in the membership of the council, for any reason, the vacancy shall be filled by the board of selectmen for the remainder of the term. (Prior code § 5-4)

**2.44.050 Annual report.**

The council shall prepare and submit to the board of selectmen an annual report of its doings, in such form as the selectmen shall prescribe. Such report shall be printed in the annual town report, and a copy of such report shall be forwarded by the council to the Department of Elder Affairs. (Prior code § 5-5)

**2.44.060 Additional employees.**

The council may employ such clerks and other employees as it may deem necessary, subject to approval and an appropriation by town meeting. (Prior code § 5-6)

## **Chapter 2.46**

### **GOVERNMENT STUDY COMMITTEE**

#### **Sections:**

- 2.46.010 Established—Purpose.**
- 2.46.020 Appointment of members.**
- 2.46.030 Officers and compensation.**

#### **2.46.010 Established—Purpose.**

The moderator shall appoint a government study committee consisting of seven members for the purpose of studying and recommending changes in the town government. The committee shall review all proposed bylaw changes which affect the structure of the town government or the duties of officials, boards, or committees of the town, and make recommendations to town meeting. The committee may also initiate studies of town government and propose to town meeting changes that the committee deems appropriate to improve the functioning of town government. (STM 10-18-99 Art. 14 (part))

#### **2.46.020 Appointment of members.**

Upon acceptance of this bylaw, the moderator shall appoint forthwith three members of the committee for a term of three years, two members of the committee for a term of two years, and two members of the committee for a term of one year. Thereafter, each member of the committee shall be appointed for a term of three years. Vacancies will be filled by the moderator for the balance of the unexpired term. (STM 10-18-99 Art. 14 (part))

#### **2.46.030 Officers and compensation.**

At the first meeting in May of each year, the committee shall elect a chairman, vice-chairman and secretary. All members and officers of the committee shall serve without pay, or take any other action relative thereto. (STM 10-18-99 Art. 14 (part))



## **Chapter 2.48**

### **CONTRACTS, PURCHASING AND PROPERTY SALES**

#### **Sections:**

- 2.48.010 Determination of best interest of town.**
- 2.48.020 Financial interest.**
- 2.48.030 Advertising for proposals.**
- 2.48.040 Emergency awards.**
- 2.48.050 Performance bond.**
- 2.48.060 Deposit on work done by private parties—Additional deposits.**
- 2.48.070 Sale of town personal property.**
- 2.48.080 Execution of deeds and other instruments by treasurer.**
- 2.48.090 Sale of real property by selectmen.**

#### **2.48.010 Determination of best interest of town.**

A. Any elected official, department head, agent or other person duly authorized to sign a contract on behalf of the town, for the provision of any goods or services not otherwise governed by state or federal statute or regulation, shall first determine that such contract is in the best interest of the town. In determining the best interest of the town the elected official, department head, agent or other duly authorized person shall consider such factors including but not limited to:

1. The town's need for goods and/or services to be provided;
2. The cost of goods and/or services to be provided in comparison with the costs other providers of similar or identical goods or services would charge;
3. References from other towns which have dealt with the provider of goods and/or services;
4. The quality of goods and/or services provided to the town by the provider in prior dealings between the town and the provider;
5. Potential impact either adverse or beneficial that the contract may have on any lawsuit filed by or against the town.

B. This section shall not apply to any collective bargaining agreements between the town and any recognized collective bargaining unit. This section shall be subordinate to any state or federal statute or regulation governing contracting practices. (STM 5-2-89 Art. 7: prior code § 17-8)

**2.48.020 Financial interest.**

No officer or board of the town shall make any contract on behalf of the town in which such officer or any member of such board is directly or indirectly financially interested. (Prior code § 17-1)

**2.48.030 Advertising for proposals.**

Every officer, board, department head and every committee of the town, when authorized to purchase equipment, supplies or materials or to erect, construct, reconstruct, alter, remodel or repair any building, structure or other public construction project or to hire labor, vehicles or other equipment to perform any service for the town shall, before letting any such contract, comply with all applicable provisions of current public bidding statutes, as may be amended by the General Court of the Commonwealth of Massachusetts. (STM 10-17-00 Art. 29)

**2.48.040 Emergency awards.**

Nothing in this bylaw contained shall prevent the awarding of contracts without such advertising in cases of emergency. (Prior code § 17-4)

**2.48.050 Performance bond.**

Every contract for construction work subject to M.G.L.C. 149, Sections 44A-44M, whether for alterations, repairs or original construction, shall be accompanied by a suitable bond for the performance of same in the amount of the contract price, as specified in M.G.L.C. 149, Section 44E. (ATM 5-14-2002 Art. 25; prior code § 17-5)

**2.48.060 Deposit on work done by private parties—Additional deposits.**

A. Whenever any work is to be done by an officer or department of the town, the whole or a portion of which is to be paid for by private parties, the officer or department having such work in charge shall, before proceeding on such work, require a deposit of the estimated expense with the town treasurer, except as otherwise provided by law.

B. Except as otherwise provided by law, if it appears during the progress of the work that the amount of the initial deposit will not cover the cost of the work to be paid for by private parties in interest, the officer or department having the work in charge shall call for an additional deposit sufficient with the amount of the initial deposit to cover the then-apparent total cost, before proceeding with the work, and so from time to time until the entire work is finished, and in no instance shall any work for private parties be done or continued until the deposit sufficient to pay for the same is in possession of the town treasurer either as an initial or subsequent deposit. When



the work is finished, any surplus of the deposit over cost as certified by the officer or department in charge shall be returned to the depositor by the town treasurer. (Prior code § 17-6)

**2.48.070 Sale of town personal property.**

No personal property of the town shall be sold by any officer or board, unless by vote of the town or by the joint authorization of the selectmen and of the chairman of the finance committee, except that if its initial cost or value was two hundred dollars (\$200.00) or less, it may be sold by the authorization of the selectmen; such authorization shall, in each case, be in writing, certify that the proposed selling price is fair and be filed with the town accountant. In the transaction for sales so approved, the turn-in value of any traded equipment may be allowed as a credit against the total price of similar equipment required for replacement purposes. (Prior code § 17-7)

**2.48.080 Execution of deeds and other instruments by treasurer.**

Whenever it shall be necessary to execute any deed conveying land, or any other instrument required to carry into effect any vote of the town, the same shall be executed by the treasurer in behalf of the town, unless otherwise provided by law or by vote of the town. (Prior code § 26-3)

**2.48.090 Sale of real property by selectmen.**

The selectmen may sell property, the title to which has been acquired by the town under tax title foreclosure procedure or the so-called low value tax title statute, at public auction pursuant to a notice of such sale published in one or more newspapers published in the town at least one week before the date of such sale and shall execute such deeds or instruments of conveyance as may be necessary to carry out the purpose of this section. Unless the full purchase price or balance thereof has been paid for such conveyance within sixty (60) days after completion of the auction sale, the selectmen may determine that the sale be set aside for breach of contract by the purchaser and any payment made on account thereof forfeited to the town as liquidated damages. No such sale shall be made unless the selectmen shall have notified, in writing, all abutters of the land to be sold one week in advance of such sale and all town departments and commissions having custody of any town-owned land one month in advance of such sale. (Prior code § 26-4)



## **Chapter 2.52**

### **LIBRARY**

#### **Sections:**

**2.52.010 Election of library trustees.**

**2.52.020 Chairman and secretary.**

#### **2.52.010 Election of library trustees.**

The town shall at an annual town meeting elect by ballot six trustees of the Thayer Free Public Library who shall be residents of the town, and when such board is first chosen one-third thereof shall be elected for one year, one-third for two years and one-third for three years, and thereafter one-third shall be elected annually for a term of three years. (Prior code § 28-1)

#### **2.52.020 Chairman and secretary.**

The board shall from its own number annually choose a chairman and a secretary. (Prior code § 28-2)



## **Chapter 2.56**

### **CEMETERY**

#### **Sections:**

- 2.56.010 Cemetery superintendent.**
- 2.56.020 Sale of cemetery lots.**
- 2.56.030 Recording of burial right deeds.**
- 2.56.040 Cemetery perpetual care fund.**

#### **2.56.010 Cemetery superintendent.**

The sole care, superintendence, management and control of the cemetery shall be intrusted to a cemetery superintendent, who shall be subject to the general supervision of the Department of Public Works and shall be annually appointed by it to take effect on the first day of April in each year. (ATM 5-15-2002 Art. 47 (part); prior code § 14-1)

#### **2.56.020 Sale of cemetery lots.**

Lots in the cemetery shall be sold at prices to be fixed from time to time by the board of selectmen. (Prior code § 14-2)

#### **2.56.030 Recording of burial right deeds.**

Deeds conveying the right of burial in any public cemetery in the town shall be recorded with the town clerk as provided in Section 50 of Chapter 550 of the Acts of 1948. (Prior code § 14-3)

#### **2.56.040 Cemetery perpetual care fund.**

There is established under the control of the trust commission a fund to be known as the "Cemeteries Perpetual Care Fund" in which fund may be deposited any gift received and accepted by the board of selectmen or payment required by them, on the sale of cemetery lots, for perpetual care of certain lots, the income therefrom to be used for the perpetual care of such lots. All such gifts or payments shall be recorded on the cemetery lot records of the town clerk. (Prior code § 14-4)



**Chapter 2.60**  
**TOWN VEHICLES**

**Sections:**

**2.60.010 Display of identification required.**

**2.60.010 Display of identification required.**

A. All vehicles owned or leased by the town shall display the following:

1. The words "Town of Braintree";
2. The town seal or the department's seal;
3. The department name.

B. The seal shall have a diameter of at least twelve (12) inches and the lettering shall be a minimum of one inch in height. The seal shall be permanently affixed to both sides of the vehicle. The town name, the seal and the department name shall be painted in contrasting colors.

C. This provision shall apply to all town departments and enterprise funds, including such enterprise funds governed by the provisions of Chapter 164 of the General Laws of Massachusetts, but shall exclude those vehicles specifically designated by the police chief to be unmarked in the interest of public safety. (ATM 5-2-95 Art. 13: prior code § 19-1)





## **Chapter 2.64**

### **DEPARTMENT OF PUBLIC WORKS**

#### **Sections:**

- 2.64.010 Appointment of Director of Public Works.**
- 2.64.020 Term of Office of the Director of Public Works.**
- 2.64.030 Applicability of Personnel Bylaws and Personnel Board Personnel Policies for Management Personnel to the Director of Public Works.**
- 2.64.040 Powers and Duties of the Director of Public Works.**
- 2.64.050 Appointment of the Public Works Permitting and Advisory Board.**
- 2.64.060 Powers and Duties of the Public Works Permitting and Advisory Board.**
- 2.64.070 Organization of the Department of Public Works.**

#### **2.64.010 Appointment of Director of Public Works.**

The Board of Selectmen is authorized and empowered to appoint a director of the Department of Public Works in accordance with Chapter 160 of the Acts of 2001, who shall be sworn to the faithful performance of his duties.

The director shall have 1) three years' experience in municipal public works or municipal engineering and 2) a bachelor's degree in civil engineering from an accredited college or seven additional years' experience in municipal public works and three years of managerial and budgeting experience. (ATM 5-15-2002 Art. 47 (part))

#### **2.64.020 Term of Office of the Director of Public Works.**

The director of public works shall be appointed for a term of one to three years. (ATM 5-15-2002 Art. 47 (part))

#### **2.64.030 Applicability of Personnel Bylaws and Personnel Board Personnel Policies for Management Personnel to the Director of Public Works.**

The provisions of the Town Personnel Bylaw shall apply to the office of Director of Public Works, except where they conflict with Chapter 160 of the Acts of 2001 or the provisions of this bylaw. The provisions of the Personnel Board Personnel Policies for Management Personnel shall apply to the office of Director of Public Works except where they conflict with Chapter 160 of the Acts of 2001 or the provisions of this bylaw or with explicit provisions in the contract agreed to by the Board of Selectmen and the Director of Public Works. In no case shall the compensation of the Director of Public Works exceed the amount appropriated therefor. (ATM 5-15-2002 Art. 47 (part))

**2.64.040 Powers and Duties of the Director of Public Works.**

In addition to the powers and duties of Chapter 160 of the Acts of 2001, the Director of Public Works shall receive direction from the Executive Secretary as to the execution of policies of the Board of Selectmen and shall supply information to the Executive Secretary in any area requested. The director shall also be responsible for administering contracts for solid waste collection and disposal. (ATM 5-15-2002 Art. 47 (part))

**2.64.050 Appointment of the Public Works Permitting and Advisory Board.**

The Board of Selectmen shall appoint the members of the Public Works Permitting and Advisory Board in the manner set forth in Chapter 160 of the Acts of 2001. Of the four members of the board appointed in addition to the Director of Public Works, at least one shall be a degreed professional engineer and at least one shall have experience in the construction industry. (ATM 5-15-2002 Art. 47 (part))

**2.64.060 Powers and Duties of the Public Works Permitting and Advisory Board.**

The Public Works Permitting and Advisory Board shall be responsible for the granting or revocation of the following permits and licenses:

Any permits required for new construction seeking to add flow of more than 440 gallons per day to the town sewer system.

Revocation of a contractor's license to work on water and sewer systems in the town.

Any other permits and licenses pertinent to public works activities as delegated by the Board of Selectmen and not contrary to Massachusetts state law.

The Public Works Permitting and Advisory Board shall be responsible for holding hearings and deciding violations in accordance with the Town's General Bylaws, Chapter 13.08, Water Emergencies and Conservation, Section 13.08.040.

In addition, the Public Works Permitting and Advisory Board shall make recommendations to the Board of Selectmen concerning the long-term public works needs of the town. The Public Works Permitting and Advisory Board shall also make studies and recommendations of other public works issues as requested by the Board of Selectmen. (ATM 5-15-2002 Art. 47 (part))

**2.64.070 Organization of the Department of Public Works.**

The Department of Public Works shall consist of the following divisions:

1. Highway, cemetery, and tree division.

2. Water and sewer division.

3. Engineering division.

Administrative clerical staff duties shall be assigned by the director. (ATM 5-15-2002 Art. 47 (part))

